

REMARKS**Summary of the Office Action**

Claims 1 and 10-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,038,989 to Asada et al. (hereinafter "Asada").

Claims 2-9 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 13 in order to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-13 remain currently pending and under consideration.

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 10-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Asada. Applicants have amended claims 1 and 13 in order to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

In the newly-amended independent claim 1 of the instant application, the high frequency signal is specifically described as a "digital high frequency signal." Thus, newly-amended independent claim 1 describes a combination of features of an information recording apparatus

including an adder that adds the recording pulse signal and the digital high frequency signal to generate the driving pulse signal.

Applicants respectfully submit that a characteristic feature of the present invention is that the high frequency signal is generated as a digital signal. As described in the specification, the digital high frequency data is generated, and is D/A converted to be added to the recording pulse signal. Applicants respectfully submit that, as a result, it becomes possible to determine the frequency of the high frequency data so as to be easily synchronized with the phase of the recording pulse signal.

In the Office Action, claims 1 and 10-13 are rejected based on the Asada reference. Specifically, the Examiner states that the high frequency component generation circuit (HFM) 15-1 shown in Fig. 5 of Asada corresponds to the high frequency signal generating unit of the instant application's claims. However, Applicants respectfully traverse such an assertion, at least with respect to the newly-amended claims, because the high frequency component generation circuit 15-1 of the Asada reference generates and outputs an analog high frequency signal, not a digital high frequency signal. At column 9, lines 15 to 33, and in association with Fig. 5 of Asada, a description of the HFM 15-1 is given. Applicants respectfully submit that the DAC 151 supplies the analog control voltage or current to the OSC 153, and the OSC 153 generates the analog high frequency component. The amplification circuit 154 amplifies the analog high frequency component and outputs it as the signal lhf. Thus, Applicants respectfully submit that the high frequency component generated by the circuit 15-1 is an analog signal. In addition, as shown in Fig. 4, the high frequency component lhr is supplied to the adder and then to the LD, without passing through any D/A converter. Applicants respectfully submit that this means that the high frequency component lhr in Asada is an analog signal.

For at least the foregoing reasons, Applicants respectfully submit that the Asada reference fails to teach, or even suggest, “a high frequency signal generating unit which generates a digital high frequency signal based on the recording signal” and “an adder which adds the recording pulse signal and the digital high frequency signal to generate a driving pulse signal,” as required in newly-amended independent claim 1. Therefore, Applicants believe that newly-amended independent claim 1 is patentable over the Asada reference.

Independent claim 13 has been amended to describe similar features as discussed above with regard to newly-amended independent claim 1. Accordingly, Applicants respectfully submit that similar arguments, as asserted above with regard to newly-amended independent claim 1, also apply to newly-amended independent claim 13.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Asada does not teach or suggest each feature of independent claims 1 and 13, as amended. MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that dependent claims 2-12 are allowable at least because of their dependence from newly-amended claim 1, and the reasons set forth above.

The Examiner is thanked for the indication that dependent claims 2-9, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants respectfully submit that dependent claims 2-9 are also allowable at least because of their dependence from newly-amended independent claim 1, as discussed above. Accordingly, withdrawal of the objection to dependent claims 2-9 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance. Applicants respectfully request the timely allowance of these claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.


EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: March 8, 2007

By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465